

Honorable Members of the Judiciary Committee,

I OPPOSE Bill 6355 An Act Concerning Risk Protection Orders Or Warrants. This updated version of the “Risk Protection Orders” removes a key protection of ensuring that the allegation is based in fact. It removes the requirement that two police officers must complete an investigation first and then apply to a Judge for an order to seize. This weakens the Due Process Clause. In *Mullane v. Central Hanover Bank*, the 14<sup>th</sup> Amendment was used to ensure that Due Process requires at a minimum (1) notice; (2) an opportunity to be heard; and (3) an impartial tribunal before property is taken. Under current law the risk protection order may be obtained at any time by police after an investigation.

HB 6355 removes the 24/7 contact with a Judge after an investigation is completed by police. This creates more risk for those it purports to protect. Removing police involvement at the crisis time is critical for the defense of all involved. Allowing anyone to go to a State Attorney during only court hours weakens the issue that is “Impending life threatening’ just cause.

Please note that in addition to the above police officers always have an option of placing an individual in protective custody if they believe that individual is not of sound mind or at risk of harm to themselves or others. This may not happen under HB 6355 which is a bad bill and weakens current law.

Thank you,

Andrew Koehm

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